THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 36501 of 1998

Date: 4.8.2005

Between:

P.Ram Reddy S/o Balakrishna Reddy
R/o H.No.12-11-1649/A, Adikmet ,
Hyderabad.

..... PETITIONER

AND

1The Vice Chairman&Managing Director, APSRTC
Musheerabad , Hyderabad.

… Respondents

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WRIT PETITION NO : 36501 of 1998

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not paying Gratuity for the period from 4-8-1972 to 22-11-1990, as arbitrary, illegal and consequently to direct the respondents to pay the Gratuity for the said period along with interest etc.

The petitioner having been appointed as Conductor in the A.P.S.R.T.C., in the year 1962 retired from service on 31.10.1998 on attaining the age of superannuation. However, in the meanwhile, the petitioner was removed from service and that was

the subject matter of Award in I.D. No.108 of 1987, dated 29.6.1990, wherein the Labour Court directed the management to reinstate the petitioner into service with continuity of service, but without back wages.

It is the case of the petitioner that the Gratuity for the period from 1990 to 1998 was only paid; whereas the Gratuity for the period from 4-8-1972 to 22-11-1990 was denied and no reasons were furnished for denying the Gratuity for the said period.

The respondents have not filed any counter.

Whether the petitioner is entitled to Gratuity for the period from 4-8-1972 to 22-11-1990 is an issue, which is based on many a factual aspects. Therefore, without going into the merits of the case, the respondents are directed to consider the representation purported to have been made by the petitioner on 9.11.1998 and pass appropriate orders within three months from the date of receipt of a copy of this order after verifying the records and if it was found that there was no gap in the petitioner's service.

At this stage, learned counsel for the petitioner relied upon the judgment in M. RAMA RAO vs. ASSISTANT TRAFFIC MANAGER, A.P.S.R.T.C., HYDERABAD & OTHERS () and stated that in similar circumstances, this Court held that the petitioners therein are entitled for Gratuity. The respondents may also take this judgment into consideration while considering the representation filed by the petitioner.

With the above directions, the writ petition is disposed of. No costs.

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C.V. RAMULU,J

DATE: 4th August, 2005

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